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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**ROBERT M. LYDEN,**

Plaintiff/Counterclaim-  
Defendant,

v.

**adidas AMERICA, INC.**, a Delaware corporation, **adidas AG**, a German entity, **adidas INTERNATIONAL MARKETING B.V.**, a Dutch entity, **THE FINISH LINE, INC.**, an Indiana corporation, **FOOT LOCKER, INC.**, a New York corporation, and, **DICK'S SPORTING GOODS, INC.**, a Delaware corporation,

Defendants/Counterclaim-  
Plaintiffs.

No. 3:14-cv-01586-MO

**DECLARATION OF HEATH R.  
ROETTIG**

In Support of Defendants' Motion for  
Summary Judgment on Plaintiff's Patent  
Claims and Supporting Memorandum

I, Heath R. Roettig, declare as follows:

1. My name is Heath R. Roettig. I am an attorney with the law firm Kilpatrick Townsend & Stockton LLP, which, together with Perkins Coie LLP, represents the Defendants in this action. I am over the age of twenty-one and competent to make this Declaration. The facts set forth in this Declaration are based on my personal knowledge, documents maintained by my firm in the ordinary course of business, and documents produced by Defendants in response to discovery requests served by Plaintiff Robert M. Lyden (“Lyden”).

2. This Declaration is being submitted in connection with Defendants’ Motion for Summary Judgment on Plaintiff’s Patent Claims (the “Motion”).

3. Attached hereto as **Exhibit A** is a true and correct copy of a Sheriff’s Bill of Sale issued by the Sheriff’s Office of Washington County, Oregon, which is dated December 21, 2015, and which confirms the sale of certain personal property previously owned by Lyden to Ganz Law, P.C. (“Ganz”), including U.S. Patent Nos. 6,449,878; 8,209,883; 8,959,797; and D507,094.

4. Attached hereto as **Exhibit B** is a true and correct copy of a United States Patent and Trademark Office Notice of Recordation of Assignment Document dated January 6, 2016, which confirms that as of December 31, 2015, Ganz had been officially recorded as the assignee of, *inter alia*, U.S. Patent Nos. 6,449,878; 8,209,883; 8,959,797; and D507,094.

5. Figure 1 of the Motion is a true and correct copy of a photograph showing a side view of the adidas Springblade shoe.

6. Figure 2 of the Motion is a true and correct copy of a photograph showing a mold used to manufacture the adidas Springblade bottom structure.

7. Figure 3 of the Motion is a true and correct copy of a photograph showing a side view of a cut made through the bottom structure of an adidas Springblade.

8. Figure 4 of the Motion is a true and correct copy of a photograph showing a bottom view of the adidas Springblade.

9. Figure 5 of the Motion is a true and correct copy of an engineering drawing showing a bottom schematic view of the adidas Springblade.

10. Figure 6 of the Motion is a true and correct copy of an engineering drawing showing a bottom schematic view of the heel area of the adidas Springblade.

11. Figure 7 of the Motion is a true and correct copy of a photograph showing a close-up side view of a blade on an adidas Springblade.

12. Figure 8 of the Motion is a true and correct copy of a photograph showing a side view of a cut made through the bottom structure of an adidas Springblade.

13. Figure 9 of the Motion is a true and correct copy of an excerpt from Exhibit 95 to Lyden's Amended Complaint (ECF No. 89).

14. Figure 10 of the Motion contains true and correct copies of Figures 1–4 of U.S. Patent No. D507,094. A true and correct copy of U.S. Patent No. D507,094 is attached hereto as **Exhibit C**.

15. Figure 11 of the Motion contains true and correct copies of the following: a photograph showing the void or gap present in the rearmost blade of the adidas Springblade and Figures 3–4 of U.S. Patent No. D507,094.

16. Figure 12 of the Motion contains true and correct copies of the following: a photograph showing a close-up side view of the rear two blades on an adidas Springblade and Figures 1–2 of U.S. Patent No. D507,094.

17. Figure 13 of the Motion contains true and correct copies of engineering drawings showing a lateral schematic view and a medial schematic view of the adidas Springblade.

18. Figure 14 of the Motion contains true and correct copies of the following: a photograph showing a rear view of the rear blade on an adidas Springblade, an engineering drawing showing a rear schematic view of the rear blade on an adidas Springblade, and Figure 4 of U.S. Patent No. D507,094.

I declare under penalty of perjury under the laws of the United States and the State of Oregon that the foregoing is true and correct.

Date: January 14, 2016

s/ Heath R. Roettig  
Heath R. Roettig